

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

MARIO H. CAPOGROSSO,

Plaintiff,

-against-

Case No. 18 Civ. 2710 (EK)(LB)

ALAN GELBSTEIN, *in his individual capacity*, IDA
TRASCHEN, *in her individual capacity*, DANIELLE
CALVO, *in her individual capacity*, MARK J.F.
SCHROEDER, *in his official capacity as Commissioner*
of the New York State Department of Motor Vehicles,
SADIQ TAHIR, *in his individual capacity*, PEC GROUP
OF NY, INC., and DAVID SMART,

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

Defendants.

-----X

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; the
Declarations of Alan Gelbstein, Ida Traschen, Danielle Calvo, and James M. Thompson; the
exhibits thereto; and the accompanying statements pursuant to Local Civil Rules 56.1 and 56.2,
Defendants Alan Gelbstein, Danielle Calvo, and Ida Traschen, in their individual capacities, and
Mark J.F. Schroeder, in his official capacity as Commissioner of the New York State Department
of Motor Vehicles (collectively, the “State Defendants”), by their attorney, Letitia James,
Attorney General of the State of New York, will move this Court before the Honorable Eric
Komitee, United States District Judge, and the Honorable Lois Bloom, United States Magistrate
Judge, at the Theodore Roosevelt United States Courthouse, 225 Cadman Plaza East, Brooklyn,
New York 11201, at such time as the Court deems proper, for an order pursuant to Rule 56 of the
Federal Rules of Civil Procedure, granting summary judgment for the State Defendants and
dismissing the Complaint as against them in its entirety and with prejudice, together with such
other and further relief as the Court may deem just and proper.

Dated: New York, New York
May 17, 2021

LETITIA JAMES
Attorney General of the State of New York
Attorney for the State Defendants

By: 

James M. Thompson
Assistant Attorney General
28 Liberty Street
New York, NY 10005
(212) 416-6556
james.thompson@ag.ny.gov